IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 12275 of 2004

Between:

P. Suresh Kumar, S/o Late Venkata Murali Krishna,
Post, Village & Mandal: Jangareddigudem, Bottayagudem Road,

Voodharavari Veedhi, West Godavari District- 534 447.

..... PETITIONER

AND

The Depot Manager, APSRTC, Jangareddi Gudem Depot,
West Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Proceedings No. 01/2(04)2004-JRG dt. 14-6-2004 issued by the Respondent, placing the Petitioner under suspension as arbitrary, illegal, unjust, contrary to law, without application of mind and also in violation of Articles 14 and 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner:MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.VENKATESWARLU POSANI, STANDING COUNSEL FOR APSRTC

The Court at the admission stage made the following ORDER:

For causing an accident on 01-06-2004, the petitioner was placed under suspension vide Proceedings No.01/2(04/2004-JRG, dated 14-06-2004 issued by the respondent Corporation. Questioning the said proceedings, the present writ petition is filed.

Learned counsel appearing for the petitioner vehemently contended that the petitioner is working as Shramik/Cleaner in the garage and the concerned authority forced him to go on duty in driving the vehicle and as he was forced to drive the vehicle, an accident has taken place and therefore, for the latches committed by the respondent, the petitioner cannot be punished.

Learned Standing Counsel appearing for the respondent Corporation contended that as the petitioner caused an accident on 01-06-2004 at 17-00 hrs, wherein one person died, he was placed under suspension by the competent authority and therefore, there are no grounds to interfere with the impugned proceedings dated 14-06-2004.

Normally this court will not interfere with the suspension order pending enquiry unless the person who issued the suspension order has no jurisdiction at all. The jurisdiction of authority is to place an employee under suspension is not in dispute. The respondent-Depot Manager is the competent person to place the employee under suspension but the contention of the learned counsel appearing for the petitioner is that since the petitioner is working as Shramik/Cleaner, he was forced to

drive the vehicle and therefore, he cannot be suspended from his services. The questions as to whether Shramik/Cleaner is entitled to drive the bus or not or whether he was forced to drive the vehicle on the date of incident have to be required to be gone into at the time of departmental enquiry and therefore, there are no grounds to interfere with the impugned proceedings. Hence, the writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. However, the respondent is directed to complete the departmental enquiry within a period of six weeks from the date of receipt of a copy of this order. In the circumstances, no costs.

16th JULY, 2004.

Kvni

To

1 The Depot Manager, APSRTC, Jangareddi Gudem Depot,
West Godavari District.

2 Two CD copies.